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11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN JOSE DIVISION

15 IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

16 THIS DOCUMENT RELATES TO:  
17 ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

DECLARATION OF ANNE M. SELIN  
IN SUPPORT OF GOOGLE'S  
RESPONSE IN SUPPORT OF  
PLAINTIFFS' ADMINISTRATIVE  
MOTION TO SEAL PORTIONS OF  
PLAINTIFFS' MOTION TO COMPEL  
GOOGLE DOCUMENTS AND THE  
DECLARATION OF DEAN M.  
HARVEY IN SUPPORT THEREOF

21  
22  
23 I, Anne M. Selin, declare as follows:

24 1. I am an attorney with the law firm of Mayer Brown LLP, counsel for Defendant  
25 Google, Inc. ("Google") in the above-captioned matter. I am admitted to practice law before this  
26 Court. I submit this declaration in support of Google's Response In Support of Plaintiffs'  
27 Administrative Motion to Seal Portions of Plaintiffs' Motion to Compel Google Documents and  
28

1 the Declaration of Dean M. Harvey In Support Thereof that is being filed concurrently herewith.  
2 As an attorney involved in the defense of this action, unless otherwise stated, I have personal  
3 knowledge of the facts stated in this declaration and if called as a witness, I could and would  
4 competently testify to them.

5 2. I have read and reviewed Plaintiffs' Motion to Compel Google Documents  
6 ("Motion to Compel") and the exhibits attached to the Declaration of Dean M. Harvey in Support  
7 of Plaintiffs' Motion to Compel and Plaintiffs' Motion to Shorten Time ("Harvey Declaration").  
8 As discussed further below, limited excerpts of the Motion to Compel and certain exhibits to the  
9 Harvey Declaration (either in part or in their entirety) contain confidential Google information,  
10 the disclosure of which would likely cause competitive harm to Google. As described further  
11 below, the majority of this information has already been ordered to be placed under seal pursuant  
12 to the Court's January 15, 2013 Order Granting in Part and Denying in Part Motions to Seal  
13 (Dkt. 273).

14 ***Google's Confidential Information in Exhibits D, E, J, K, L and M***

15 3. **Exhibit D** to the Harvey Declaration is a confidential Google email  
16 communication that was previously submitted by Plaintiffs as Exhibit 37 to the Declaration of  
17 Anne B. Shaver in Support of Plaintiffs' Motion for Class Certification (Dkt. 188) ("Shaver  
18 Declaration"). This Court granted Google's request to seal this communication in redacted form.  
19 Dkt. 273 at 10:18-19.

20 4. **Exhibit E** to the Harvey Declaration is a confidential Google email  
21 communication that was previously submitted by Plaintiffs as Exhibit 23 to the Declaration of  
22 Dean M. Harvey in Support of Plaintiffs' Consolidated Reply in Support of Motion for Class  
23 Certification and in Opposition to Defendants' Motion to Strike the Report of Dr. Edward E.  
24 Leamer (Dkt. 248) ("Harvey Reply Declaration"). This Court granted Google's request to seal  
25 this communication in its entirety. Dkt. 273 at 25:22.

26 5. **Exhibit J** to the Harvey Declaration is a confidential Google email  
27 communication that was previously submitted by Plaintiffs as Exhibit 39 to the Shaver  
28

1 Declaration. This Court granted Google's request to seal this communication in redacted form.  
 2 Dkt. 273 at 10:19-20.

3 6. **Exhibit K** to the Harvey Declaration is a chain of emails, dated from June 23 to  
 4 June 25, 2008, involving senior Google management and an advisor to senior management and is  
 5 similar in substance to the email chain in Exhibit E, which the Court previously granted Google's  
 6 request to seal, and which Frank Wagner testified reflected "confidential and highly sensitive  
 7 details of Google's deliberations and business strategy related to making counteroffers to Google  
 8 employees who have received offers from other firms and the retention of employees in the face  
 9 of competition from startup companies." Wagner Decl. ¶ 4(e) (Dkt. 261).

10 7. **Exhibit L** to the Harvey Declaration is also a chain of emails, dated from June 23  
 11 to June 25, 2008, involving senior Google management and an advisor to senior management  
 12 and is similar in substance to the email chain in Exhibit E, which the Court previously granted  
 13 Google's request to seal, and which Frank Wagner testified reflected "confidential and highly  
 14 sensitive details of Google's deliberations and business strategy related to making counteroffers  
 15 to Google employees who have received offers from other firms and the retention of employees  
 16 in the face of competition from startup companies." Wagner Decl. ¶ 4(e) (Dkt. 261).

17 8. **Exhibit M** to the Harvey Declaration is a confidential Google email  
 18 communication that was previously submitted by Plaintiffs as Exhibit 22 to the Harvey Reply  
 19 Declaration. This Court granted Google's request to seal this communication in its entirety.  
 20 Dkt. 273 at 25:21-22.

21 ***Google's Confidential Information in Plaintiffs' Motion to Compel***

22 9. The following limited excerpts of the Motion to Compel contain confidential  
 23 Google information, the disclosure of which would likely cause competitive harm to Google.

24 (a) **Page 2, lines 17-18:** This excerpt references and quotes Exhibit E. As mentioned  
 25 above, this Court granted Google's request to seal this communication in its  
 26 entirety. Dkt. 273 at 25:22.

27 (b) **Page 5, lines 18-21:** This excerpt quotes from Exhibit K, which for the reasons  
 28 described above, contain confidential Google information related to Google's

(c) **Page 5, line 26 through Page 6, line 5:** This excerpt references and quotes Exhibit M. As mentioned above, This Court granted Google's request to seal this communication in its entirety. Dkt. 273 at 25:21-22.

  
Anne M. Selin